

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>BRITTANY HELFRICK and</b>	<b>:</b>	<b>CIVIL ACTION NO. 1:07-CV-0903</b>
<b>JAMES ANTHONY ARCQ, SR.,</b>	<b>:</b>	
<b>Individually and as Parents and</b>	<b>:</b>	<b>(Judge Conner)</b>
<b>Natural Guardians of JAMES</b>	<b>:</b>	
<b>ANTHONY ARCQ, JR., a Minor,</b>	<b>:</b>	
	<b>:</b>	
<b>Plaintiffs</b>	<b>:</b>	
	<b>:</b>	
<b>v.</b>	<b>:</b>	
	<b>:</b>	
<b>YVETTE BROWN, M.D., et al.,</b>	<b>:</b>	
	<b>:</b>	
<b>Defendants</b>	<b>:</b>	

**ORDER**

AND NOW, this 30th day of May, 2007, upon consideration of plaintiff's brief in opposition (Doc. 12) to defendants' motions to substitute (Docs. 2, 6), in which plaintiffs request limited discovery to investigate whether defendants were federal employees acting within the course and scope of federal employment,<sup>1</sup> it is hereby ORDERED that:

1. Plaintiffs' brief in opposition (Doc. 12) is CONSTRUED as a motion for limited discovery and is GRANTED as so construed.

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<sup>1</sup> With their motions to substitute (Docs. 2, 6), defendants filed scope of employment certifications from Dennis C. Pfannenschmidt, Assistant United States Attorney, stating:

Upon my review of the claims raised in the Complaint, as well as all other available information, I certify that [defendants Yvette Brown, M.D., Keystone Women's Care, and Sarah W. Myers, R.N., C.N.M.] were acting within the scope and course of their employment at all times relevant to the allegations raised in the Complaint.

(Docs. 10, 11.)

2. Discovery on the issue of whether defendants were federal employees acting within the course and scope of federal employment shall be completed by July 30, 2007.
3. On or before August 13, 2007, plaintiffs shall file briefs in opposition to defendants' motions to substitute (Docs. 2, 6). Failure to file briefs in opposition shall result in the motions being deemed unopposed.  
See L.R. 7.6.
4. On or before August 27, 2007, defendants shall be permitted to file reply briefs.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge